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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
(Canton, Normal and Heyworth,
Illinois)

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)
)
)

MM Docket No. 96-225
RM-8894

To: Mass Media Bureau

COUNTERPROPOSAL

Atlantis Broadcasting Co., L.L.C. (hereafter Atlantis), by its attorneys, and pursuant to Sections 1.401 and 1.420(d) of the Commission's rules, hereby counterproposes that Channel 250A (97.9 MHz) be allotted to Heyworth, Illinois, in lieu of Normal, Illinois. In support thereof, the following is stated:

1. By Notice of Proposed Rule Making, DA 96-1811, released November 8, 1996, the Chief, Allocations Branch, proposes to allot (1) Channel 252A at Canton, Illinois, as that community's third local FM transmission service, and (2) Channel 250A at Normal, Illinois, as that community's second local commercial FM transmission service. Interested parties were invited to file Comments on or before December 30, 1996 and Reply Comments on or before January 14, 1997.

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2. Atlantis proposes that the Commission allot Channel 250A at Heyworth, Illinois, in lieu of Normal, Illinois, in order to provide Heyworth with a first local aural transmission service.^{1/} Heyworth is an incorporated place, located in McLean County, Illinois (1990 population - 129, 180) approximately 15 miles south of Normal (1990 population - 40,023). Heyworth has a 1990 population of 1,629 and a special census population of 2,027. Source: Rand McNally Commercial Atlas & Marketing Guide (1996 Edition) p. 318.

3. The Heyworth community has its own post office and zip code (61745) (Ibid). Heyworth has a grade school, public library, bank (First State Bank of Heyworth), newspaper (The Heyworth Star), fire department and a development corporation. Heyworth is served by approximately 30 businesses and professions, which are listed by street on the annexed Business List (Appendix A hereto) (Source: University of Illinois Cooperative Extension Service). Three churches and an American Legion Post 624 are also located in Heyworth (Ibid), which qualifies as a community for FM licensing purposes. FM Channel Assignments (Beech Mountain, North Carolina), 6 FCC Rcd 5835, 69 RR2d 1731 (1991).

4. There is annexed hereto as Appendix B a channel allocations study prepared by T. Z. Sawyer Technical Consultants, which demonstrates that Channel 250A may be allotted to Heyworth

^{1/} Heyworth has been added to the caption.

in full compliance with the minimum distance separation and principal community coverage requirements of the rules with a site restriction approximately 9.3 kilometers (5.8 miles) to the north of the Heyworth geographical reference point. The imposition of a site restriction is necessary in order to comply with the required separation distances from stations WHMS-FM (Channel 248B), Champaign, Illinois and WLUI(FM) (Channel 249A), Petersburg, Illinois.^{2/}

5. The allotment of Channel 250A at Heyworth rather than at Normal will better advance the objectives of Section 307(b) of the Communications Act of 1934, as amended, and the Commission's FM allocation policies. Although Normal has a significantly larger population than Heyworth, it is presently served by two commercial FM and one noncommercial FM station. These are WBNQ(FM), which is authorized to operate on 101.5 MHz with Effective Radiated Power (ERP) of 50 KW and Height Above Average Terrain (HAAT) of 460 feet, WIHN(FM), which is authorized to operate on 96.7 MHz with ERP of 6 KW and HAAT of 410 feet, and WGLT(FM), which is authorized to operate on 89.1 MHz with ERP of 2.3 KW and HAAT of 141 feet. The allotment of Channel 250A at Normal would, therefore, provide that community with its fourth local aural transmission service. In contrast, the allotment of Channel 250A at Heyworth would provide that community with its first aural transmission service, and, is, therefore, the

^{2/} The allotment of Channel 250A at Heyworth will have no adverse impact on the allotment of Channel 252A at Canton, Illinois.

preferred allotment. Beaufort County Broadcasting Co., 94 FCC 2d 572, 54 RR2d 923 (1983), aff'd sub nom., Beaufort County Broadcasting Co. v. FCC, 59 RR2d 1642 (D.C. Cir. 1986).

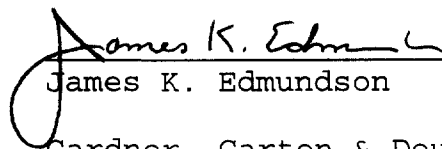
6. Atlantis hereby states that if the Commission grants its Counterproposal, it will apply for Channel 250A, when it is allotted to Heyworth, and if its application is granted, it will promptly build the station.

WHEREFORE, for the foregoing reasons, Atlantis respectfully requests the Commission to grant this Counterproposal and to allot Channel 250A at Heyworth, Illinois.

Respectfully submitted,

ATLANTIS BROADCASTING CO., L.L.C.

By:


James K. Edmundson

Gardner, Carton & Douglas
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Suite 900, East Tower
Washington, D.C. 20005
(202) 408-7100

December 30, 1996
178369-1

Its Attorneys

Appendix A

HEYWORTH, IL BUSINESS LIST

<u>Business Name</u>	<u>Street</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>	<u>Phone</u>
AI Furniture Stripping & Refinishing	RR 1	Heyworth	IL	61745-9801	309-473-3434
Ahlars Kenneth Excavating	RR 2	Heyworth	IL	61745-9802	309-473-2560
American Legion Post 624	201 E Main	Heyworth	IL	61745	309-473-2343
American Stone Mix Inc	Rt 51	Heyworth	IL	61745	309-473-2422
Amg Inc	508 S Buchanan	Heyworth	IL	61745	309-473-2006
B K Construction Inc	RR 1	Heyworth	IL	61745-9801	309-473-3926
Bell Construction	802 E Newton	Heyworth	IL	61745	309-473-3703
Bells Lawn & Video	600 E Cleveland	Heyworth	IL	61745	309-473-2714
Billington Daniel L	311 S Vine	Heyworth	IL	61745-9219	309-473-3757
Body Wise International Inc Pam & John Simonov	811 Teepee Ct	Heyworth	IL	61745-9387	309-473-2250
Calvert-Belangee-Bruce Funeral Homes Heyworth		Heyworth	IL	61745	309-473-2411
Center Distribution Center	Rt 51	Heyworth	IL	61745	309-473-3232
Carter Woodcraft Center	Rt 51	Heyworth	IL	61745	309-473-2728
Circus Video	302 S Vine	Heyworth	IL	61745-9219	309-473-2642
Clemons Aerial Photography	RR 2	Heyworth	IL	61745-9802	309-473-3424
Clemons Gary R	RR 2	Heyworth	IL	61745-9802	309-473-3424
Cline Ron Trucking	Rt 51 N	Heyworth	IL	61745	309-473-2534
Cline Ronald L	604 W Kenneth Dr	Heyworth	IL	61745-9311	309-473-2916
Collector The Newspr		Heyworth	IL	61745	309-473-2414
Depew Jas R Atty Heyworth Ofc	102 W Main St	Heyworth	IL	61745-9300	309-473-3321
Design-Build Services Inc	107 W Sullivan	Heyworth	IL	61745-9224	309-473-3823
Dough Boys Pizza & Subs	100 N Vine	Heyworth	IL	61745	309-473-2697
Ellis Don Training Statute	RR 1	Heyworth	IL	61745-9801	309-473-2270
Energy Services	806 E Cole	Heyworth	IL	61745	309-473-3134
F & F Farm Supply	RR 1	Heyworth	IL	61745-9801	309-827-8111
Fire Heyworth Emergency Calls Only		Heyworth	IL	61745	309-473-2341
Fire Heyworth Non-Emergency Calls		Heyworth	IL	61745	309-473-3223
First State Bank Of Heyworth	117 W Main St	Heyworth	IL	61745-9300	309-473-2828
Frinks Standard Service	Main & Rte 51	Heyworth	IL	61745	309-473-2333
Full Gospel Tabernacle Of Heyworth	107 E Newton	Heyworth	IL	61745	309-473-9975
Grain Flo Inc	PO Box 475	Heyworth	IL	61745-0475	309-473-2512
Gray Richard Rev	101 S Hilton St	Heyworth	IL	61745-9326	309-473-2782
Haircrafters	Rt 51 S	Heyworth	IL	61745	309-473-3579
Hayners Hickory House		Heyworth	IL	61745	309-473-2222
Henderson Drywall	302 W Prairie St	Heyworth	IL	61745-9333	309-473-3721
Heyworth Ag Service	RR 1	Heyworth	IL	61745-9801	309-473-2072
Heyworth Ambulance Service Business Office	RR 1	Heyworth	IL	61745-9801	309-473-2149
Heyworth Auto Sales	210 S Vine	Heyworth	IL	61745	309-473-2529
Heyworth Automotive	311 S Vine	Heyworth	IL	61745-9219	309-473-3757
Heyworth Baptist Church	608 E Cole	Heyworth	IL	61745	309-473-2451
Heyworth Christian Church		Heyworth	IL	61745	309-473-2771
Heyworth Development Corporation	313 W Poplar	Heyworth	IL	61745-9220	309-473-2445
Heyworth Fire Dept		Heyworth	IL	61745	309-473-2341
Heyworth Fire Dept		Heyworth	IL	61745	309-473-3223
Heyworth Hall & Water Ofc		Heyworth	IL	61745	309-473-2811
Heyworth Motel	Business Rte 51 S	Heyworth	IL	61745	309-473-2922
Heyworth Public Library	119 W Main St	Heyworth	IL	61745-9300	309-473-2313
Heyworth School Cust No4 Grade School	308 W Cleveland St	Heyworth	IL	61745-9335	309-473-2822

Source: ProCD Select Phone
University of Illinois Cooperative Extension Service

Source: ProCD Select Phone
University of Illinois Cooperative Extension Service

Appendix B

TECHNICAL EXHIBIT

PETITION TO MODIFY
FM TABLE OF ALLOTMENTS
CHANNEL 250A

HEYWORTH, ILLINOIS

Proponent: Atlantis Broadcasting Co. L.L.C.

Narrative

The technical exhibit of which this narrative is part was prepared on behalf of Atlantis Broadcasting Co. L.L.C., in support of a counterproposal to modify the FM Table of Allotments (47CFR 73.202) to add FM Channel 250A as a fully spaced Class A FM Commercial Service, to serve the community of Heyworth, Illinois.

Channel 250A, if allocated to Heyworth, Illinois will require that it be "site restricted" approximately 9.3 kilometers (5.8 miles) to the north of the Heyworth, Illinois geographical reference point ¹. This site restriction to the north will not inhibit the channel from serving the entire city of license. The site restriction is necessary to comply with the required separation distances from Stations WHMS-FM, Champaign, Illinois and WLUI, Petersburg, Illinois ².

As an aid in determining the feasibility of the proposed allocation, a suitable site which

¹ The U.S. Atlas lists the geographic reference point for Heyworth, Illinois as 40-18-54 N. Latitude, 88-58-30 W. Longitude.

² WHMS-FM, operates on Channel 248B, WLUI, operates on Channel 249A.

meets the separation requirements for Channel 250A was selected with the following geographical coordinates:

40° 20' 55" North Latitude

88° 58' 56" West Longitude.

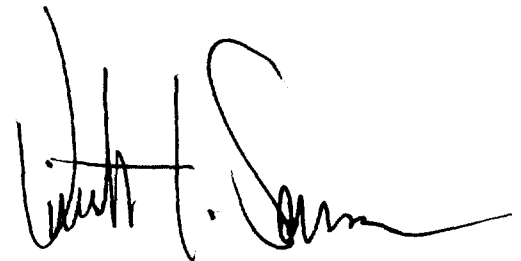
A separation study was conducted from this site and the results of the study are contained herein as Table I. The allocation of Channel 250A at Heyworth, Illinois, meets all separation requirements.

No other AM, FM or Television assignments are licensed to this community, which is listed in the 1990 U.S. Census as having a population of 1,627 persons.

Further information, if required, concerning the technical merits or methods employed in the preparation of this narrative may be obtained by contacting the office of the undersigned.

December 26, 1996

T.Z. Sawyer Technical Consultants
6204 Highland Drive
Chevy Chase, MD 20815
Tel.: (301) 913-9287
E-mail to: engineers@sawyer.com

A handwritten signature in black ink, appearing to read 'Timothy Z. Sawyer', with a stylized, flowing script.

Timothy Z. Sawyer

T.Z. Sawyer
Technical Consultants
Chevy Chase, MD

FM SEPARATION STUDY

Job Title :HEYWORTH IL

Separation Buffer 64 km

FCC DB Date : 12/19/96

Channel 250A (97.9 MHZ)

Coordinates : 40-20-55 88-58-56

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WFYR LIC	Elmwood IL	BLH930812KD	247B1 97.3	23.5 103.0	40-46-22 89-44-50	306.4	80.11 32.11	48 CLEAR
WHMSFM LIC	Champaign IL	BLH911022KB	248B 97.5	50.0 109.0	40-05-04 88-14-53	115.0	69.05 .05	69 CLOSE
WLUI LIC	Petersburg IL	BMLH900420KE	249A 97.7	6. 100.0	40-00-05 89-41-49	237.8	72.07 .07	72 CLOSE
WSTQ LIC	Streator IL	BLH880520KA	249A 97.7	3.00 100.0	41-10-49 88-52-06	5.9	92.86 20.86	72 CLEAR
* PADD	Normal IL	RM8894	250A 97.9	.0	40-30-51 88-59-26	357.8	18.41 -96.59	115 SHORT
Site Restriction 0.7km Northwest								
WKEF LIC	Effingham IL	BLH940908KB	250A 97.9	6.00 95.0	39-07-25 88-38-28	167.8	139.13 24.13	115 CLEAR
WLUPFM LIC	Chicago IL	BLH5625	250B 97.9	6.0 357.0	41-53-56 87-37-23	33.0	206.57 28.57	178 CLEAR
KICKFM LIC	Palmyra MO	BLH941003KE	250C2 97.9	50. 104.0	39-45-25 91-29-57	253.7	224.59 58.59	166 CLEAR
WZOE LIC	Princeton IL	BLH920618KA	251A 98.1	6.0 DA 91.0	41-21-49 89-23-36	343.1 SS	117.94 45.94	72 CLEAR
WIBN LIC	Earl Park IN	BLH910524KD	251B1 98.1	25.0 100.0	40-34-22 87-27-12	78.6	132.06 36.06	96 CLEAR

* The proposed allotment of Channel 250A at Heyworth is a counterproposal to the proposed allotment of Channel 250A at Normal, IL.

T.Z. Sawyer
Technical Consultants
Chevy Chase, MD

FM SEPARATION STUDY

Job Title :HEYWORTH IL

Separation Buffer 64 km

FCC DB Date : 12/19/96

Channel 250A (97.9 MHZ)

Coordinates : 40-20-55 88-58-56

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WWHP LIC	Farmer City IL	BLH831222AA	252A 98.3	3.00 91.0	40-16-54 88-32-00	100.9	38.88 7.88	31 CLOSE
WBYSFM LIC	Canton IL	BLH4178	252A 98.3	3.00 81.0	40-32-43 90-01-08	284.3	90.63 59.63	31 CLEAR
*To Channel 300B1 per D86-489								
WIVR LIC	Eureka IL	BLH890927KB	253A 98.5	3.00 100.0	40-44-20 89-16-13	330.8	49.75 18.75	31 CLEAR

** End of separation study for channel 250A **

CERTIFICATE OF SERVICE

I, Kaigh K. Johnson, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 30th day of December, 1996, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing "**Counterproposal**" to the following

*John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
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Kaigh K. Johnson

*By Hand Delivery